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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,367	12/03/2003	Yasuyuki Itou	50340-159	3123
7590 09/09/2005 McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER PATEL, RAJNIKANT B	
			ART UNIT 2838	PAPER NUMBER
DATE MAILED: 09/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/725,367

**Applicant(s)**

ITOU, YASUYUKI

**Examiner**

Rajnikant B. Patel

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/22/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Aberle et al. (U.S. Patent # 6,583,519).

Aberle et al. disclose the claimed invention a power source device supplying power to an electric motor and an accessory circuit (figure 1-2), including a fuel cell power plant (figure 1, item 1), the electric motor (figure 1, item 5), the accessory device (figure 1, item 6), a power storage device (figure 1, item 9 and 12) and a DC/DC converter (figure

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1, item 7 and 10), a controller (column 5, line 40-60), a discharging operation (column 7, line 5-20), a sensor (column 7, line 20-30), a power storage device comprise a capacitor (column 2, line 55-65), an inverter, the electric motor (figure 1, item 4 and 5) and the accessory circuit connected output terminal not via DC/DC converter (figure 1, item 6).

4. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (U.S. Patent # 5,552,681).

Suzuki et al. disclose the claimed invention a power source device supplying power to an electric motor and an accessory circuit (figure 3 and 8-9), including a fuel cell power plant (figure 3, item 1), the electric motor (figure 3, item 2), the accessory device (figure 8, vehicle load), a power storage device (figure 3, item 20) and a DC/DC converter (figure 9, item 19), a controller (figure 3, item 14), a discharging operation (column 12, line 55-60), a sensor (figure 3, item 6), a depression amount of an accelerator pedal (figure 3, item Operating inputs), a secondary battery (figure 3, item 22), a power storage device comprise a capacitor (figure 3, item 20) and a first circuit and second circuit (column 15, line 5-50).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aberle et al. (U.S. Patent # 6,583,519) in combination Suzuki et al. (U.S. Patent # 5,552,681).

Aberle et al. disclose the claimed invention as explained in the claims 1-3 and 6-9, above, except the utilization of the technique for a sensor which detects an acceleration requirement and a depression amount of an acceleration pedal with which the vehicle is provided. Suzuki et al. teaches the utilization of the similar technique for a sensor which detects an acceleration requirement and a depression amount of an acceleration pedal with which the vehicle is provided (figure 3, item Operating inputs). It would have been obvious one having an ordinary skill in the art at the time the invention was made to modify Suzuki et al.'s vehicle by utilizing the technique taught by Suzuki et al. for the purpose of improve the efficiency of the vehicle.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (U.S. Patent # 5,552,681) in combination with Severinsky (U. S. patent # 6,209,672). Suzuki et al. disclose the claimed invention as explained in the claims 1-8, above, except the utilization of the technique for an alternating current synchronous motor connected to the output terminal through inverter. Severinsky teaches the similar technique for an alternating current synchronous motor connected to the output terminal through inverter. It would have been obvious one having an ordinary skill in the art at

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the time the invention was made to modify Suzuki et al.'s vehicle by utilizing the technique taught by Severinsky for the purpose of improve the efficiency of the vehicle.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

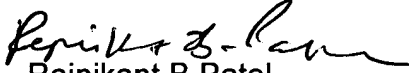
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajnikant B. Patel whose telephone number is 571-272-2082. The examiner can normally be reached on 6.30-5.00; m-f.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 571-272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rajnikant B Patel  
Primary Examiner  
Art Unit 2838

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